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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,439	09/18/2003	Lester F. Ludwig	2738-11	7317

616 7590 09/21/2005

THE MAXHAM FIRM
750 "B" STREET, SUITE 3100
SAN DIEGO, CA 92101

EXAMINER

PATEL, KANJIBHAI B

ART UNIT	PAPER NUMBER
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2625

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/665,439

Applicant(s)

LUDWIG, LESTER F.

Examiner

Kanji Patel

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-43, 45-48, 51-54, 56-59 and 62 is/are allowed.
- 6) ☒ Claim(s) 44, 49-50, 55, 60-61 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/17/03.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. Information Disclosure statement submitted on 9/18/03 has been considered by the examiner.

Drawings

2. Drawings filed on 9/18/03 have been approved by the examiner.

Specification

3. The disclosure is objected to because of the following informalities:

The examiner requests that the applicant update the status of application Ser. No. 09/512,775 cited on page 1 of the disclosure.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 44, 49-50, 55 and 60-61 recite the limitation of "said **trial** power" in line 2.

There is insufficient antecedent basis for this limitation in the claim.

Allowable Subject Matter

5. The following is a statement of reasons for the indication of allowable subject matter:

Claims 1-43, 45-48, 51-54, 56-59 and 62 are allowed.

The prior art on record fails to teach or suggest, alone or in any combination, for reconstructing relative phase information in an iterative misfocused image correction

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process, said method comprising, among other things, (b) generating a trial power value for a fractional Fourier transform correction operation according to an optimization algorithm, (c) determining a trial fractional Fourier transform correction operation based upon the trial power value, (d) determining trial phase restoration information based upon the trial power value, (e) applying the trial phase restoration information and the trial fractional Fourier transform correction operation on said image data to correct a level of misfocus of the image data, and (f) determining if a desired level of correction of said misfocus of the image data has been achieved, wherein if the desired level has not been achieved, then a new value for said power value of said fractional Fourier transform correction operation is generated according to the optimization algorithm and the operations (c) through (f) are repeated.

Other prior art cited

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Culver et al. (US 6,421,163 B1) disclose a two dimensional transform generator.

Rao et al. (US 5,854,710) disclose an optical Fourier processing.

Gluckstad (US 6,011,874) discloses a phase contrast imaging.

Mori (US 6,091,481) discloses a positioning method and projection exposure apparatus using the method.

Matsui et al. (US 4,189,214) disclose a fourier transform lens system.


Shiraishi et al. (US 6,392,740 B1) disclose a projection exposure apparatus.

Contact Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kanji Patel whose telephone number is (571) 272-7454. The examiner can normally be reached on Monday to Friday from 8:00 a.m. to 4:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta, can be reached on (571) 272-7453. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kanji Patel
Art Unit 2625
9/17/05


KANJIBHAI PATEL
PRIMARY EXAMINER